

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	JAMES B. ZAGEL	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 6172	DATE	March 26, 2008
CASE TITLE	Marshall William Stewart (2005-0037704) v. Cermak Health Services, et al.		

## DOCKET ENTRY TEXT:

Plaintiff's motion for leave to file *in forma pauperis* [4] is granted. The Court authorizes Cook County Jail officials to deduct \$43.00 from Plaintiff's account. The Clerk shall send a copy of this order to Elizabeth Hudson, Supervisor of Inmate Trust Fund Accounts, Cook County Dept. of Corrections Administrative Office, Division V, 2700 S. California, Chicago, IL 60608. The Court grants Plaintiff's motion for appointment of counsel [3] and appoints Steven Edward Schwarz, The Law Offices of Steven E. Schwarz, 2461 W. Foster Ave., Suite 1W, Chicago, IL 60625 (773-837-6134), to represent Plaintiff in accordance with counsel's trial bar obligations under the District Court's Local Rules 83.11(g) and 83.37. Plaintiff's complaint is dismissed without prejudice to appointed counsel filing an amended complaint within 60 days if the amended complaint comports with appointed counsel's obligations under Rule 11 of the Federal Rules of Civil Procedure.

■ [For further details see text below.]

Docketing to mail notices.

## STATEMENT

Plaintiff Marshall William Stewart is granted leave to file *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff is assessed an initial partial filing fee of \$ 43.00. The supervisor of inmate trust accounts at the Cook County Jail is authorized to collect, when funds exist, the partial filing fee from Plaintiff's trust fund account and pay it directly to the Clerk of Court. After payment of the initial partial filing fee, the trust fund officer is authorized to collect monthly payments from Plaintiff's trust fund account in an amount equal to 20% of the preceding month's income credited to the account. Monthly payments collected from Plaintiff's trust fund account shall be forwarded to the Clerk of Court each time the amount in the account exceeds \$10 until the full \$350 filing fee is paid. All payments shall be sent to the Clerk, United States District Court, 219 S. Dearborn St., Chicago, IL 60604, attn: Cashier's Desk, 20th Floor, and shall clearly identify Plaintiff's name and the case number assigned to this action. The Cook County inmate trust account office shall notify state correctional authorities of any outstanding balance in the event Plaintiff is transferred from the Jail to a state correctional facility.

Plaintiff alleges that he injured his Achilles tendon in June 2005. He has been given various treatments but orthopedic surgeons say that an MRI and treatment at an Achilles Cadaver Transplant center is required. In September 2007, he was told that it was unlikely that he would receive surgery because Cook County Jail detainees are not a priority. Since he suffered the injury his condition has deteriorated. He uses a cane and is in constant pain. Because of the serious nature of these allegations, the Court appoints Steven Edward Schwarz, The Law Offices of Steven E. Schwarz, 2461 W. Foster Ave., Suite 1W, Chicago, IL 60625 (773-837-6134), to represent Plaintiff in accordance with counsel's trial bar obligations under the District Court's Local Rules 83.11(g) and 83.37.

After investigation, appointed counsel should file an amended complaint within 60 days if such amendment comports with counsel's obligations under Rule 11 of the Federal Rules of Civil Procedure. If counsel is unable to file an amended complaint, he should so inform the Court.

Courtroom Deputy  
Initials:

CLH